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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,326	03/24/2000	Min Ho Cha	5387-3	1618

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EXAMINER

DASS, HARISH T

ART UNIT PAPER NUMBER

3628

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/509,326

Applicant(s)

CHA, MIN HO

Examiner

Harish T Dass

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2, 5, 7-11, 13-15, 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-11,13-15 and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

Claims 3-4, 6, 12 and 16 are canceled.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 8-11, 14-15, 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter (5,787,402) in view of Minton (US 6,014,643) (reference previously provided).

Re. Claim 1, Potter discloses a) the user selecting a trade-desired object and inputting an automatic trade condition containing purchase and selling conditions in the computer system, the automatic trade condition comprising a selling price, a selling quantity, a purchase price and a purchase quantity [Potter - C3 L13-L28; C5 L60 to C6 L 18; C9 L21-L37; C7 L29-L52; C11 L9-L22; price quotes=purchase price or/and selling price]; b) the computer system placing purchase and selling orders according to the automatic trade condition through the data communication network [Fig. 1-2; C3 L13-36; C4 L50-L59; on-line & servers & router & TCP/IP, X.25 = communication network]; c) the computer system determining whether one of the purchase order or selling order has been contracted through the data communication network [C7 L29-L52; C4 L62; C8 L29-L50; C15 L60 to C16 L15; C19 L52 to C20 L13]. Potter, explicitly, does not disclose

d) the computer system generating and placing new purchase and selling orders at a new price according to the automatic trade condition immediately after either the purchase order or the selling order is contracted according to step c), wherein the new selling order price in step d) is higher than the contracted price determined in step c), and the new purchase order price in step d) is lower than the contracted price determined in step c). However, Minton discloses an interactive securities trading which allows individuals to trade securities directly with others and explains the institutions where individual buy and sell securities such as NYSE, NASDAQ and AMEX and details different type of buy/sell orders and auto-pilot function to do the trading automatically [see entire document particularly Abstract; C1 L1 to C3 L19; C14 L65; C9 L18-L57; C11 L1-L10; C12 L9-L67; C13 L45 to C15 L5] and d) the computer system generating and placing new purchase (\$49.50/share, C2 L8-13) and selling orders at a new price (\$50.00/share, C2 L8-13) according to the automatic trade condition immediately after either the purchase order or the selling order is contracted according to step c), wherein the new selling order price in step d) is higher than the contracted price determined in step c), and the new purchase order price in step d) is lower than the contracted price determined in step c) [C2 L8-L13; C9 L18-L57; C11 L1-L10; C12 L21-L49] to profit \$0.50/ share from the buying and selling price of each share. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Potter and Minton to generate income by selling securities slightly higher than purchasing price for the same security [C2 L32-L36].

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Re. Claim 2, Potter discloses a) the user selecting a trade-desired stock and inputting an automatic trade condition including purchase and selling conditions at the computer system, the automatic trade condition comprising a selling price, a selling quantity, a purchase price and a purchase quantity [C3 L13-L28; C5 L60 to C6 L 18; C9 L21-L37; C7 L29-L52; C11 L9-L22; price quotes=purchase price or/and selling price]; b) the computer system generating and placing through the data a communication network a stock purchase order or a stock selling order according to the trade condition [Fig. 1-2; C3 L13-36; C4 L50-L59]; c) the computer determining whether or not the stock selling order or a stock purchase order has been contracted through the data communication network [C7 L29-L52; C4 L62; C8 L29-L50; C15 L60 to C16 L15; C19 L52 to C20 L13]; Potter, explicitly, does not disclose d) computer system generating and placing by a the computer system a new stock selling and purchase order at a new price according to the automatic trade condition immediately after the stock selling or purchase order is contracted according to step c), wherein the new selling order price in step d) is higher than the contracted price determined in step c), and the new purchase order price in step d) is lower than the contracted price determined in step c). However, Minton discloses d) computer system generating and placing by a the computer system a new stock selling and purchase order at a new price according to the automatic trade condition immediately after the stock selling or purchase order is contracted according to step c), wherein the new selling order price in step d) is higher than the contracted price determined in step c), and the new purchase order price in step d) is lower than the contracted price determined in step c) (see claim 1 for explanation) [C2 L8-L13; C9

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L18-L57; C11 L1-L10; C12 L21-L49] to profit \$0.50/ share from the buying and selling price of each share. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Potter and Minton to generate income by selling securities slightly higher than purchasing price for the same security [C2 L32-L36].

Re. Claim 5, Potter discloses a) the user selecting a trade-desired stock and inputting an automatic trade condition including a purchase condition and a selling condition in the computer system, the automatic trade condition comprises a selling price, a selling quantity, a purchase price and a purchase quantity [C3 L13-L28; C5 L60 to C6 L 18; C9 L21-L37; C7 L29-L52; C11 L9-L22 and claim 1]; b) the computer system generating and placing through the data communication network one or more stock selling order(s) orders and one or more purchase order(s) according to the trade condition [Fig. 1-2; C3 L13-36; C4 L50-L59]; c) the computer system determining whether or not the stock selling or purchase order has been contracted (matched and accepted) through the data communication network [C7 L29-L52; C4 L62; C8 L29-L50; C15 L60 to C16 L15; C19 L52 to C20 L13]. Potter, explicitly, does not disclose d) the computer system generating and placing new stock selling and purchase orders at a new price according to the automatic stock trade condition as soon as the stock selling or purchase order is contracted according to step c), wherein the new selling order price in step d) is higher than the contracted price determined in step c), and the new purchase order price in step d) is lower than the contracted price determined in step c). However, Minton

discloses d) the computer system generating and placing new stock selling and purchase orders at a new price according to the automatic stock trade condition as soon as the stock selling or purchase order is contracted according to step c), wherein the new selling order price in step d) is higher than the contracted price determined in step c), and the new purchase order price in step d) is lower than the contracted price determined in step c (see claim 1 for explanation) [C2 L8-L13; C9 L18-L57; C11 L1-L10; C12 L21-L49] to profit \$0.50/ share from the buying and selling price of each share. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Potter and Minton to generate income by selling securities slightly higher than purchasing price for the same security [C2 L32-L36]. Further, It is obvious to one skill in the art that the security trade orders will be executed as-soon as a matching order becomes available, where in case of market order, it is immediate because there is/are buyer/buyers and seller/sellers. In case there is no buyer or seller (no buying order or selling order) it has to wait until such a condition arise and when new buying/selling order(s) is/are available it has to be executed.

Re. Claims 8-10, Potter discloses wherein the automatic trade condition includes a target profit rate and further comprises a step of calculating a profit rate according to the automatic trading before a computer places a new stock selling order and purchase order in case the stock selling order or a stock purchase order is concluded to thereafter compare same with the target profit rate [C13 L34-L50C14 L64 to C15 L5], wherein the automatic ordering condition further comprises an extra trade condition (criteria) and a

step of checking whether or not the trade condition has been satisfied before placing an order, and notifying an error notice to the user if the condition is not met [C7 L29-L52; Figures 24-25, C14 L64 to C15 L5]

Re. Claim 11, Potter discloses a user interface at the user computer system for the user to input an initial trade condition and an automatic trade condition [Figures 14-29; C5 L46 to C6 L67; C11 L9-L22]; a memory device for storing a basic information data including an item code of a stock and an account number of a stock holder input to the computer system through the user interface [Fig. 13; C3 L43-L45; C7 L29-L52; C8 L29-L67; C15 L35-L51]; a trade condition control module for storing an automatic stock trade condition data containing a desired selling price, desired selling quantity [Fig. 13; C3 L43-L45; C7 L29-L52; C8 L29-L67; C15 L35-L51], desired purchase price, desired purchase quantity for trade of the stock input to the computer system through the user interface [Fig 22; C3 L43-L45; C7 L29-L52; C8 L29-L67; C15 L35-L51]; and a trade order control module for determining whether the automatic stock trade condition has been met and for placing a stock trade order according to the automatic stock trade condition at a new price through the data communication network if the condition is met [C10 L45 to C14 L64], wherein the trade order control module places through the data communication network a new stock selling or purchase order according to the automatic trade condition when the stock selling or purchase order is contracted [C7 L29-L52; C4 L62; C8 L29-L50; C15 L60 to C16 L15; C19 L52 to C20 L13]. Potter, explicitly, does not disclose the new selling order price is higher than the contracted



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price, and the new purchase order price is lower than the contracted price. However, Minton discloses this step [C2 L1-L45] to make profit. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Potter and Minton to generate income by selling securities slightly higher than purchasing price for the same security [C2 L32-L36].

Re. Claim 14, Potter discloses selecting, by a user, at least one of the securities to be traded and inputting an initial trade condition and an automatic trade condition containing purchase and selling conditions in the computer system, the automatic trade condition comprising a selling price, a selling quantity, a purchase price and a purchase quantity; the computer system placing initial purchase and sell orders (initial entry screen allows the user to enter its initial orders) according to the initial trade condition (criteria) through the data communication network [C5 L60-L65; C7 L20-L53; C3 L13-36; C4 L50-L59]; Potter, explicitly, does not disclose if and when the initial sell order is contracted, the computer system automatically generating and placing a new sell order at a price higher than the price of the initial purchase order through the data communication network according to the automatic trade condition. However, Minton discloses placing a new sell order at a price higher than the price of the initial purchase order [C2 L7-L38] to profit \$0.50/ share from the buying and selling price of each share. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Potter and Minton to generate income by

selling securities slightly higher than purchasing price for the same security [C2 L32-L36].

Re. Claim 15, Potter, explicitly, does not disclose if and when the initial purchase order is contracted, the computer system automatically generating and placing a new sell order at a price higher than the price of the sell initial purchase order. However, Minton discloses this step [C2 L27-L38; C10 L5] to generate income by watching the security trends. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Potter and Minton to generate more income by selling securities slightly higher than previous price for the same security [C2 L32-L36] if the trend is in his favor, it provides trader better profit, other wise trader may loss money. Further, day trading is well known and traders make money off of the trends.

Re. Claim 17, Potter discloses the user establishing an initial trade condition by selecting a security to be traded, receiving a current price for the security from the system, and inputting an initial purchase price and quantity of the security in the user account [C11 L23; C3 L13-L28; C5 L60 to C6 L18]; the user establishing an automatic trade condition for selling and purchasing the selected security in the user account, including entering in the computer system a first automatic trade condition including a selling price greater than the initial purchase price and a selling quantity, and a second automatic trade condition including a purchase price less than the selling price and a

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purchase quantity [C5 L60 to C6 L 18; C9 L21-L37; C7 L29-L52; C11 L9-L22; C7 L20-L53; C3 L13-36; C4 L50-L59], the computer system contracting the initial trade of the selected security, establishing the initial purchase price and quantity of the security in the user account [Figures 14-29; C5 L46 to C6 L67; C11 L9-L22]; the computer system placing a new purchase order according to the second automatic trade condition and contracting a second automatic trade when the second automatic trade condition is met and the computer system placing a new selling order according to the first automatic trade condition and contracting a first automatic trade when the first automatic trade condition is met [C10 L45 to C14 L64]. Potter, explicitly, does not disclose using an automatic trade table (list) generated by the first and second automatic trade traditions. However, Minton discloses using an automatic trade table generated by the first and second automatic trade traditions [Fig. 5; C10 L22-L53] to allow trader select security to trade. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures of Potter and Minton to receive pricing information for listed securities.

Re. Claims 18-24, the claims are rejected with same rational claims 1 and 5.

Claim 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter and Minton as applied to claims 5 & 11 above, and further in view of Braddock (U.S. Patent 4,412,287).

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Re. Claims 7 and 13 Potter discloses that the automatic ordering condition further comprises a condition for limiting an order timing, and the step of placing a selling order or purchase order (col. 12 line 66 thru col. 13 line 10). Both Potter and Minton fail to teach the step of comparing the present price with a set-up selling price or purchase price before placing an order and a step of drawing up an automatic trade table, where an automatic trade order is generated from the base of the automatic trade table.

However, Braddock discloses that "The lists are then compared matching the first round lot buy (at the highest price)..." and "The operation of the exchange can be illustrated by the following examples of trading in a single stock. The examples are purposely simplified ..." (col. 2 line 58 thru Col. 3 line 15; Columns 10-15). It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the teaching of both Potter and Minton to include the step of comparing the present price with a set-up selling price or purchase price before placing an order and a step of drawing up an automatic trade table where an automatic trade order is generated from the base of the automatic trade table, as taught by Braddock. It is very common practice in data processing area to extract (select) desired tables from databases main table. The Database computer programmers routinely use database query language (SQL) and create tables from based table. Since database engines are capable to search and compare two or more dynamic (changing) values faster than manual comparison and create new tables. Therefore, it is economical and makes business sense to automat these step using database engines. Another advantage

computer has is this computer can do this task at the background with out and discomfort to the user. The result can be show on the screen.

### ***Response to Arguments***

2. a). Applicant's arguments filed 12/8/2003 have been fully considered but they are not persuasive and are moot in view of the new ground(s) of rejection.

b). Regarding generating new orders, in is known that when a purchaser wants to purchase shares, the purchaser can place the order as a limit order or market order. When requested amount of shares are provided by plurality of suppliers than in situation of market order, the price is the current market price of the security at the time of transaction. For example, for large amount of trading 5000 shares can be bought in one transaction or 5 transaction, etc. In case of multiple transactions for each there is a need for new purchase order. Specially, if very large investor who wants to sell 100,000 share who can buy all, it has to be divided and automatically are done to complete the order. These are well known way of trading securities, especially; NASDA is automated stock trading market. These definitions can be found in any Finance and Investment dictionary.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass

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Examiner

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HTD

3/8/04

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
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